

AN ORDINANCE OF WALTON COUNTY, GEORGIA OA25-0335

AN ORDINANCE TO AMEND the Walton County Land Development Ordinance adopted 5-3-16 and amended as per attached errata dated 10/01/2025.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WALTON COUNTY, GEORGIA, and it hereby ordained by the authority of the same, following a duly held and advertised Public Hearing by the Walton County Planning Commission and the Walton County Board of Commissioners to amend the Walton County Land Development Ordinance adopted 5-3-16, as amended as per errata sheet dated 04/01/2025.

Amendment #1 – Section 270 Part II of Article 11 of the Comprehensive Land Development Ordinance and Subdivision Regulations for Walton County, Georgia. (Special Fee for Districts for Maintenance and Repair of Stormwater Retention and Detention Facilities).

Approved by the Walton County Board of Commissioners on this 2nd day of December, 2025.

David G Thompson, Chairman
Walton County Board of Commissioners
Walton County, Georgia

Attest:

Rhonda Hawk, County Clerk
Board of Commissioners
Walton County, Georgia

Charles Ferguson
County Attorney
Walton County, Georgia

PC Action 11/6/2025

OA25-0335 – Amendments to the Walton County Land Development Ordinance as per Amendment sheet dated 10/1/205.

Presentation: Kristi Parr with Walton County Planning and Development presented the amendment for storm water detention facilities. This is for detention ponds that are in default of not keeping maintenance. A notice is sent to the Homeowners Association to repair and if not then the county will repair it and a fee will be charged.

Josh Ferguson asked if there would be a time limit given to the Homeowners Association to fix the detention pond.

Public Comment: None

Recommendation: Motion by John Pringle to recommend approval with a second by Josh Ferguson. The motion passed unanimously.

Part II of Article 11 of the Comprehensive Land Development Ordinance and Subdivision Regulations for Walton County, Georgia is amended to include the following as Section 270 thereof:

"Section 270 Special Fee Districts for the Maintenance and Repair of Stormwater Retention and Detention Facilities.

Section 270.01

Intent

The intent of this ordinance is to protect public health, safety, morals, and general welfare of the residents of the unincorporated area of Walton County by establishing a protocol for the creation of special fee districts by which to fund the repair and maintenance by Walton County of storm water retention and detention facilities within such special fee districts by imposing fees for that purpose upon the properties located within such districts in circumstances where a mandatory homeowners associations for a residential subdivision development has failed to properly maintain and repair such facilities, and to provide for the use by Walton County of such funds to maintain and repair such facilities, either by its own forces or by its contractors or separate utility providers. This ordinance is intended to supplement the rights and remedies provided to Walton County in Section 180 of this Article and not to replace them.

Section 270.02

Creation of a Special Fee District

A. Notification and Investigation.

Upon the receipt of information, either by the Walton County Board of Commissioners, Walton County Public Works or by the Walton County Department of Planning and Development that a storm water detention or retention facility serving a residential subdivision development in unincorporated Walton County has been neglected or improperly or insufficiently maintained, or has not been kept in proper repair, by the homeowners association for the residential subdivision development served by such facility, or that such homeowners association has failed to comply with its obligations under Section 180 of this Article, the Board of Commissioners may by motion direct the Public Works Department to investigate such matter. Upon such direction, the Public Works Department shall investigate such matter and report its findings to the Board of Commissioners within sixty (60) days after such direction.

B. Report of Investigation.

The report of the Public Works Department shall identify needed maintenance and repairs for such storm water detention or retention facilities, the failure of the applicable homeowners association to provide the same, and the cost to remedy the same on an ongoing basis. The report

shall also specify, by way of a plat, the geographic area of the subdivision served by such facility. The report shall also identify the amount of fees, by dollar amount, required to be assessed and collected in said community to properly repair and to provide for the ongoing maintenance and repair of such facilities and the estimated time during which said fees would be required to be imposed for said purpose. The report shall also address the compliance of the homeowners association for such community with its obligations under Section 180 of this Article.

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C. Notice of Intent.

Should the Board of Commissioners, upon its consideration of the report of the Public Works Department, determine that creation of a special fee district as provided by this Section appears to be in the best interest of the public, then the Board of Commissioners may adopt a resolution to commence the process for the creation of a special fee district as prescribed herein. Said resolution shall identify by plat or appropriate legal description the area under consideration for a special fee district, the tax parcel numbers of the tax parcels within said proposed special fee district, the purpose of such special fee district, the date on which the hearing prescribed by paragraph D of this subsection will be held, and the amount of the fee, or a key for the determination of the same, under consideration for the proposed special fee district, and the anticipated time period that such fee will remain in effect. Said resolution shall also specify the manner in which the funds collected by such fee will be utilized by the Walton County to provide to such special fee district the services for which said fee is imposed. Said resolution shall direct that notice of said hearing be given in the manner prescribed herein.

D. Hearing.

1.

The Board of Commissioners shall conduct a public hearing for the purpose of receiving public input on the creation of the special fee district under consideration and the imposition of a special district fee therein.

2.

Notice of such hearing shall be given by regular first class mail to the owner of record of each tax parcel within the boundaries of the proposed special fee district under consideration. Said notices shall be sent to the address of record of each such owner(s) and, if the address of record of the parcel owner is different than the street address of the parcel, such notice shall also be sent by regular first class mail to the street address of such parcel.

3.

Notice of such hearing shall also be sent by regular first class mail to the address of record of any homeowners association with jurisdiction over the area under consideration by

the Board of Commissioners for a special fee district, and to the registered agent for the same.

4. Notice of said hearing shall be published at least twice in the legal organ for Walton County, with said notices to each be published at least fifteen days, but not more than forty-five days, prior to the date of such hearing. Said notices shall not be published in the legal notices section of said legal organ and shall have a size of at least thirty (30) square inches.

5. Notice of such hearing shall also be posted in the proposed special fee district at least 15 days prior to the hearing.

6. Each of the hearing notices referenced herein shall identify the area under consideration for the special fee district with reasonable specificity, the amount of the fee to be imposed in the special fee district, the term and purpose of such fee, as well as the date, time, and location of the hearing.

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E. Resolution Creating Special Fee District

1. Upon the conclusion of the hearing, and within sixty days thereafter, the Board of Commissioners shall vote on a resolution to create the special fee district and impose the fee therein. Said resolution shall contain a plat or other key to the boundaries of the special fee district thereby created, the tax parcels within the special fee district, the amount of the fee, the effective date and term of the fee, and the purpose for which such fee is imposed. Said resolution shall also specify the manner in which Walton County will provide the services for which the fee is imposed.

2.

Should the resolution creating the special fee district be adopted, notice of that fact shall be sent by United States regular first class mail to each of the record owners of the parcels of real property within the special fee district, along with a statement of the special fee to be imposed on such parcel. Notice of the creation of the special fee district shall also be sent by regular first class mail to the homeowners association for such community. Said notices shall be sent in the manner prescribed by subsections D(2) and D(3) of this Section 270.02.

3.

The creation of the special fee district shall be effective upon the adoption by the Board of Commissioners of the resolution creating the same.

4.

The creation of a special fee district and the imposition of a fee therein shall be within the sole discretion of the Walton County Board of Commissioners based upon its consideration of the best interests of the public.

Section 270.03

Implementation of the Special Fee

A. The special fee to be imposed in the special fee district shall be effective beginning on January 1 of the year immediately following the adoption of the resolution creating the special fee district and imposing the special fee therein, or at such other time established by resolution of the Board of Commissioners.

B.

Upon the adoption of a resolution creating a special fee district and imposing a special district fee therein, notice of the same shall be provided to the Walton County Tax Commissioner and the Walton County Board of Tax Assessors, who shall then adjust their records and processes accordingly so as to provide for the implementation and collection of said fee in said district.

C. The charges for the services to be provided by Walton County in each special fee district, in accordance with the resolution imposing the same, shall be paid as a special district fee. Such special district fee shall be billed to and collected with respect to each parcel in such special fee district by the Walton County Tax Commissioner concurrently with the ad valorem property tax billed to and collected with respect to each tax parcel within such special fee district.

D.

The fee collected in each special fee district shall be remitted by the Walton County Tax Commissioner to the Walton County Board of Commissioners in the same manner as other ad valorem property taxes collected by the Walton County Tax Commissioner.

Section 270.04

Disbursement of the Proceeds of the Special Fee and Provision of Storm Water Detention and Retention Services in Special Fee Districts

A. Walton County shall utilize the proceeds of such special district fees solely for the maintenance and repair of storm water detention and retention facilities in the district from which they are collected, and shall handle, disburse, report, and account for the proceeds of such fee in the manner required by law.

B. Walton County shall provide for the maintenance and repair of storm water detention and retention facilities, to include any necessary construction with respect thereto, in each special fee district in accordance with the resolution creating such special fee district and imposing such special district fee therein and applicable state law.

C. Walton County shall provide maintenance and repair services for storm water detention and retention facilities, including any necessary construction related thereto, in the special fee districts created pursuant to this ordinance using either its own forces, public or private utility providers, or by contracting with private vendors for labor, materials and other services. Walton County shall utilize the funds collected from the special fee imposed in a special fee district solely for the purpose of providing maintenance and repair services for storm water detention and retention facilities in such special fee district. Revenue from the special district fee shall be expended solely with respect to the special fee district from which it was collected.

D. In providing storm water detention and retention services as referenced herein from private vendors, Walton County shall comply with all applicable local and state procurement requirements.

E. To the extent that the acquisition of interests in real property are necessary to provide for the proper maintenance and repair of the storm water detention or retention facilities in a special fee district, proceeds from the special fee provided for herein collected in such special fee district may be used to acquire such interests in real property. Walton County may utilize its power of eminent domain, in accordance with the procedures prescribed by law, to acquire such property interests.

f.

For each special fee district created pursuant hereto, Walton County shall adopt an annual budget setting forth the expected expenses for maintenance and repair of storm water detention and retention facilities therein and expected revenues from such special fee district. Such budgets shall be adopted in the manner prescribed by applicable law. The annual assessment and fees for each such special fee district shall be established in the manner prescribed by applicable law.

G. The special district fee to be assessed in each special fee district shall be established on an annual basis by the Walton County Board of Commissioners in accordance with applicable state law.

Section 270.05

Termination of Special Fee District

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The Walton County Board of Commissioners shall have the right at any time to terminate a special fee district created pursuant to this ordinance and the fee imposed therein. Upon such termination, Walton County shall have no obligation to provide any further maintenance or repair services with respect to the storm water detention and retention facilities located in the terminated district and shall no longer collect a special district fee therein.

Section 270.06

Annexation

Should any portion of a special fee district be annexed by a municipality, such portion shall be removed from such special fee district. To the extent that the area removed continues to be served by a storm water detention or retention facility for which Walton County provides maintenance or repair services pursuant to this ordinance, Walton County shall negotiate with the annexing municipality a rate of fair and equitable compensation to be paid by such municipality to Walton County for such services.

Section 270.07

Obligations of Homeowners Association

The establishment of a special fee district pursuant to this ordinance, or the imposition of a fee therein, shall not relieve the homeowners association having jurisdiction of the development upon which such special fee district is imposed from its obligations under Section 180 of this Article. Nothing herein shall modify the rights and remedies of Walton County under Section 180 of this Article.

Section 270.08

Compliance with State Law

A. The creation of the special fee districts provided for herein, the imposition, collection, and expenditure of the special district fees provided for herein, and the provision of maintenance and repair services for storm water detention or retention services in such districts shall be accomplished in a manner consistent with Georgia law.

B.

Should any provision of this ordinance, or any resolution adopted pursuant hereto conflict with state law, state law shall take precedence."

2.

Severability. Should any section of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the Ordinance as a whole or any part thereof that is not specifically declared to be invalid or unconstitutional.

3.

Effectiveness. This ordinance shall take full force and effect upon approval by the Board of Commissioners.

Repeal of conflicting ordinances. All ordinances, or provisions thereof, in conflict with the text of this ordinance are hereby repealed.

